UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
HENN, TIMOTHY J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 May 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,6-9,13-19 and 22-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>16-19</u> is/are allowed.

6) ☒ Claim(s) <u>1-3,6-9,13-15,22,23 and 25</u> is/are rejected.

7) ☒ Claim(s) <u>24 and 26</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>04 August 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 6, 14, 15 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Anderson et al. (US 6,249,316) in view of Bullock et al. (US

5,943,050).

[claim 1]

Regarding claim 1, Anderson discloses a portable hand-held image capturing

appliance (Figure 1; c. 2, l. 59 - c. 3, l. 7; cameras are "portable hand-held image

capturing appliance[s]"), comprising: a photoelement array for acquiring a plurality of

image data (Figure 2, Item 224; c. 3, ll. 15-24) and a processor configured to receive the

image data captured by the photoelement array (Figure 1, Item 118; Figure 3), and

configured to save the image data in an image group (Figure 7). Anderson further

discloses a display for displaying image data (Figure 4, Item 402), program code

executed by the processor for attaching image data to a group (Figures 2 and 7; c. 3, ll.

52-54) wherein a fist button, separate from the display is configured to cause the

program code to attach an image to the group (e.g. Figure 4, "Function Keys").

However, Anderson does not explicitly disclose attaching at least one new image to the

group such that the group comprises the plurality of image data and the new image data

as claimed.

Bullock discloses a similar image grouping system and further discloses that

newly captured image data can be added to a pre-existing group to obtain a group

which contains a plurality of image data which was already assigned to the group and

new image data (c. 7, ll. 32-64). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the program code to

attach newly captured images to the group of Anderson as taught by Bullock to obtain a

group which contains a plurality of image data and new image data. Such an operation

would be desirable to allow previously created groups to be expanded (i.e. if new

images are captured which the user wishes to add to a pre-existing group).

[claim 2]

Regarding claim 2, Anderson discloses a memory configured to store the image

data and the new image data in the image group (Figure 3, Items 348-354 constitute "a

memory"; c. 6, ll. 1-12).

[claim 3]

Regarding claim 3, Anderson discloses a memory which is further configured to

store the program code (c. 3, ll. 52-63).

[claim 6]

Regarding claim 6, Anderson discloses program code which further comprises program code executed by the processor for selecting one of the image data in the image group and for detaching the selected image data such that the image group no longer comprises the selected image data (Figure 7, Steps 512 and 514-524).

[claim 14]

Regarding claim 14, Anderson discloses a hand-held image capturing appliance (Figure 1; c. 2, l. 59 - c. 3, l. 7; cameras are "hand-held image capturing appliance[s]"), comprising: a display for displaying a plurality of image data (Figure 4, Item 402); means for capturing the plurality of image data (Figure 2, Item 224; image sensor); means for grouping the plurality of image data into a group (Figures 7-11) and means for receiving new image data (Figure 2, Item 224; image sensor). However, Anderson does not explicitly disclose attaching a new image to the group such that the group comprises the plurality of image data and the new image data as claimed.

Bullock discloses a similar image grouping system and further discloses that newly captured image data can be added to a pre-existing group to obtain a group which contains a plurality of image data which was already assigned to the group and new image data (c. 7, ll. 32-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the program code to attach newly captured images to the group of Anderson as taught by Bullock to obtain a group which contains a plurality of image data and new image data. Such an operation would be desirable to allow previously created groups to be expanded (i.e. if new images are captured which the user wishes to add to a pre-existing group).

Anderson further discloses a display which displays multiple images and the use

of navigation buttons for scrolling through and selecting images (Figure 4, Item 406) and

storing images of a group (Figure 7). Bullock discloses that images of a group can be

flipped through (c. 10, l. 58 - c. 11, l. 13), but does not disclose a "flipping animation".

Official Notice is taken that the use of flipping animations when flipping through a series

of images is well known in the art to make the flipping process more aesthetically

pleasing to the user. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to display a "flipping animation" in the system

of Anderson in view of Bullock to make the flipping process more aesthetically pleasing

to the user.

[claim 15]

Regarding claim 15, Anderson discloses means for selecting one of the image

data in the group and detaching the selected image data such that the group no longer

comprises the selected image data (Figure 7, Steps 512 and 514-524).

[claim 22]

Regarding claim 22, Anderson discloses navigation buttons separate from the

display (Figure 4, Item 406) and configured to cause the program code to flip through

the image data of the image group (e.g. Figures 9-11; the user uses the navigation

buttons to change the selected image or "flips through" the image data as claimed).

4.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson

et al. (US 6,249,316) in view of Bullock et al. (US 5,943,050) in view of Allen et al. (US

5,578,813).

[claim 7]

Regarding claim 7, Anderson in view of Bullock teaches an appliance, but does not teach an appliance which is a scanner. Allen discloses a hand held scanner which can be used to capture images (e.g. Figure 1, Item 10). Allen further discloses that two dimensional array capture systems can be cost prohibitive for capturing high resolution images of documents (c. 1, I. 62 - c. 2, I. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a scanner as taught by Allen to capture images at a high resolution.

5.   Claims 8, 9, 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5,578,813) in view of Anderson et al. (US 6,249,316) in view of Bullock et al. (US 5,943,050).

[claim 8]

Regarding claim 8, Allen discloses a method comprising: capturing a plurality of image data using a scanner (e.g. Figure 1; Item 10; c. 5, II. 38-56). Allen further discloses a scanner which includes a display device (Figure 1, Item 16). However, Allen does not disclose grouping image data as claimed.

Anderson discloses an image capture grouping method which includes grouping image data into a group by selecting image data and attaching the image data to the group (Figure 7) and displaying image data of a group (e.g. Figure 4).. The method of Anderson allows the user to group images together in a folder or directory (c. 6, II. 1-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the grouping method of Anderson in the camera of Allen to store user selected images in a common location. However, Allen in view of Anderson does not explicitly disclose capturing new image data and attaching the new image data to a previously created group.

Bullock discloses a similar image grouping system and further discloses that newly captured image data can be added to a pre-existing group to obtain a group which contains a plurality of image data which was already assigned to the group and new image data (c. 7, ll. 32-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the program code to attach newly captured images to the group of Allen in view of Anderson as taught by Bullock to obtain a group which contains a plurality of image data and new image data. Such an operation would be desirable to allow previously created groups to be expanded (i.e. if new images are captured which the user wishes to add to a pre-existing group).

[claim 9]

Regarding claim 9, Allen discloses receiving image data from a photoelement array (Figure 2, Item 22).

[claim 13]

Regarding claim 13, Anderson discloses selecting one of the image data in the group and detaching the selected image data such that the group no longer comprises

the selected image data (Figure 7, Steps 512 and 514-524).

[claim 25]

Regarding claim 25, Anderson discloses flipping through a plurality of image data in response to user operation of navigation buttons, wherein the navigation buttons are separate from the display (Figure 4, Item 406; Figures 9-11; the user uses the navigation buttons to change the selected image or "flips through" the image data as claimed).

6.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,249,316) in view of Bullock et al. (US 5,943,050) in view of Anderson et al. (US 6,097,431).

[claim 23]

Regarding claim 23, Anderson '316 discloses displaying images of a group (Figure 4) and navigation buttons (Figure 4, Item 406) but does not explicitly disclose sliding image data of a group off the display and displaying next image data as claimed.

Anderson '431 discloses that in such a display system a user should be allowed to navigate between multiple pages of images (e.g. Figure 3; c. 1, ll. 11-37) to allow viewing of images not shown on the page. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user to navigate to new pages of images in the camera of Anderson '316 in view of Bullock to allow more than the number of simultaneously displayable images to be displayed. The

examiner notes that new pages of images can contain images which are not part of the image group.

Allowable Subject Matter

7.   Claims 16-19 are allowed.

[claims 16-19]

Regarding claims 16-19, the prior art does not teach or fairly suggest an image capturing appliance or computer-readable medium storing a program for an image capturing appliance, wherein the image capturing appliance/program captures data, groups the data, captures new data, attaches the new data to a group, selects image data of the group and detaches image data from the group and a navigation button which closes the group, slides the image data off of the display and presents image data of a second group in the display. While grouping image data and displaying image data is known (e.g. Anderson '316 and Anderson '431), the use of a navigation button to close a first image group and display image data of a second group is not taught or suggested.

8.   Claims 24 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 24 and 26]

Regarding claims 24 and 26, the prior art does not teach or fairly suggest closing a first group and displaying image data of a second group in response to operation of a navigation button separate from a display. While grouping image data and displaying image data is known (e.g. Anderson '316 and Anderson '431), the use of a navigation button to close a first image group and display image data of a second group is not taught or suggested.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-

7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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